

VZCZCXRO2428
PP RUEHAG RUEHROV
DE RUEHCV #1718/01 2402022
ZNY CCCCC ZZH
P 282022Z AUG 07
FM AMEMBASSY CARACAS
TO RUEHC/SECSTATE WASHDC PRIORITY 9606
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY
RUEHWH/WESTERN HEMISPHERIC AFFAIRS DIPL POSTS PRIORITY
RUMIAAA/HQ USSOUTHCOM MIAMI FL PRIORITY
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 CARACAS 001718

SIPDIS

SIPDIS

HQSOUTHCOM ALSO FOR POLAD
DEPT PASS TO AID/OTI RPORTER

E.O. 12958: DECL: 08/27/2017
TAGS: [PGOV](#) [PREL](#) [SCUL](#) [VE](#)
SUBJECT: ROUND ONE OF CONSTITUTIONAL REFORM DEBATE

REF: A. CARACAS 01703

[1](#)B. CARACAS 01635

[1](#)C. CARACAS 02693

CARACAS 00001718 001.2 OF 003

Classified By: POLITICAL COUNSELOR ROBERT R. DOWNES
FOR REASON 1.4 (D)

[1](#)1. (C) Summary. In the days following President Chavez' rollout of his proposed constitutional revisions, debates are already taking shape as to the reform process. Chavez' opponents, still divided over whether or not to participate at all, have been unsuccessful in their initial attempt to influence the form of the constitutional referendum or convoke a constituent assembly. The Bolivarian Republic of Venezuela's (BRV) heavy-handed management of the process already is drawing criticism, not only from the domestic opposition, but also from Chavez' former friends and erstwhile political allies. Student groups and others are preparing to launch efforts to derail Chavez' proposals (Ref A). Nevertheless, the BRV is already seeking to boost popular support for the proposal and minimize any sort of constructive debate, suggesting that the winner of these battles is all but completely pre-determined. End Summary

Debate #1: Voting Procedures

[1](#)2. (SBU) Chavez liberally sprinkled throughout his constitutional reform proposal populist benefits, such as a reduction in the work week and benefits for self-employed workers (Ref B) intended to boost popular support for the reform package and make it more complicated for the opposition to reject in its entirety. In an attempt to isolate these popular initiatives from controversial changes, such as indefinite reelection, Chavez' opponents, and even some of his allies, are contending that the reforms should be voted on separately once they are submitted for approval in a popular referendum.

[1](#)3. (SBU) An opposition coalition led by Justice First (PJ) and including A New Time (UNT), Copei, Radical Cause, and Movement Toward Socialism (MAS) invoked article 344 from the 1999 Constitution and asked the National Electoral Council (CNE) August 21 to clarify the procedure. The article permits up to a third of a draft constitutional reform (in this case 11 of 33 articles) to be voted on separately in a popular referendum if it is requested by at least a third of the National Assembly or over five percent of registered

voters via a petition and signature drive. Even pro-Chavez Podemos Governor Ramon Martinez from Sucre State has asked the BRV to, at the very least, respect Article 343 of the 1999 Constitution which calls for the National Assembly to consider and debate the revisions article by article rather than approved as a bloc as Flores has suggested.

14. (C) Leading opposition politicians tell us they believe the opposition stands a small chance of defeating the reform for indefinite presidential election if it were to segregate it from other proposed measures. They also note that isolating the more contentious reforms from the populist measures would make it easier to frame their debate as pro-democracy rather than as anti-Chavez. Indeed, according to recent INR data, as of June some 64 percent of Venezuelans oppose ending presidential term limits and 60.5 percent support voting on the reforms item by item.

15. (SBU) The BRV quickly--and very transparently--moved to preclude any invocation of Article 344 and insisted that the reforms be voted on as one package. National Assembly (AN) President Cilia Flores August 23 rejected the opposition's invocation of Article 344. Flores offered the flimsy justification that voters cannot petition for separation of the reforms in the referendum because the President, and not the people, had requested the changes in the first place. Flores also ruled that the matter would not be referred to the Supreme Court for clarification since, as per her interpretation, the 1999 Constitution is quite unambiguous on the issue. The lone non-Chavista voice on the CNE board of Directors, Vicente Diaz, rejected Flores' interpretation of 344 and in an impromptu press conference proposed that the reforms be voted on article by article. The CNE board ruled against PJ's proposal August 24, with Diaz casting the only dissenting vote. Chavez himself during an August 25 address to United Socialist Party of Venezuela (PSUV) militants claimed that the package is "unified and integral" and cannot be voted on separately.

CARACAS 00001718 002.2 OF 003

Debate #2: The Need for a Constituent Assembly

16. (SBU) The BRV has already outlined a very short timeline to ramrod through the passage of the constitutional revision via legislative debate and referendum rather than through a constituent assembly. The National Assembly is scheduled to have the new draft ready for a popular referendum by early December, limiting the period of congressional and public debate to three months rather than the two years that is allowed for by the 1999 document. Some members of Chavez' coalition have called for additional time for discussion of the proposals. Podemos AN deputies during a special legislative session August 21 urged the Assembly not to impose such a short timetable. Nevertheless, Chavez has already publicly expressed his approval for a December referendum. AN President Flores has requested that the CNE be prepared for a vote--thirty days after the Assembly approves it--on either December 2, 9, or 16. Timelines and election dates often slip in the Bolivarian Republic, but the BRV probably hopes to time the referendum with the start of the holiday season to coincide with the granting of holiday bonuses. Moreover, as with the December 2006 presidential election, a December referendum would minimize the possibility of street protests following the vote as Venezuelans turn their attention to Christmas and the New Year.

17. (SBU) Some opposition leaders and constitutional experts are calling for a constituent assembly rather than the fast-tracked debate and vote, the same mechanism Chavez used in 1999 to draft the new document (Ref C). Luis Miquilena, a key drafter of the 1999 Constitution who Chavez once called his "second father," held a press conference to insist that a

constituent assembly is necessary given the National Assembly's lack of democratic legitimacy following the extremely low turnout of the 2005 legislative elections. CNE Director Vicente Diaz, PJ's Julio Borges, and other constitutional experts have argued that the changes are so sweeping that they fundamentally alter the character of the current document and thus necessitate the convocation of a constituent body. The BRV has categorically denied that the revisions are so broad, even as Flores noted publicly that more changes, in addition to the 33 included in Chavez' reform package, will be made during the review process.

Debate #3: To Vote or Not to Vote

18. (SBU) The opposition is already split over whether or not to participate in the debate and referendum on the constitutional changes, just as they were in the run-up to the December 2006 presidential election. PJ, Copei, MAS, and Radical Cause have signaled they probably will join in the vote, while UNT is hedging its bets. UNT head and Zulia State Governor Rosales said in an August 27 press conference that UNT will deploy over 130,000 "commands" to fight the reforms nationwide and claimed that Venezuelans cannot fight "hidden and staying in their homes." He did not, however, conclusively reject the possibility of ultimately abstaining from the referendum vote. On the other hand, Democratic Action, Brave People's Alliance, and National Resistance Command have said they will not participate in what they consider a highly unfair electoral process. Meanwhile, the pro-Chavez party Patria Para Todos (PPT) is lobbying Chavez to remove term limits from all elected offices, not just for the President.

BRV Damage Control

19. (C) The BRV is characteristically thin-skinned in its response to criticism from former friends and current opponents of its handling of the approval process and is leveling personal attacks on its critics. Chavez during his August 25 address to PSUV members accused a pro-Chavez governor, presumably Sucre Governor Martinez, as "going around talking nonsense." Luis Miquilena's vehement critique of the revisions, calling it "a constitutional fraud" and its populist offerings "bait for fools," received widespread press coverage and a strongly worded BRV counterattack. Communications and Information Minister Willian Lara alleged that Miquilena committed "constitutional filicide" when he

CARACAS 00001718 003.2 OF 003

supported the brief April 2002 interregnum against Chavez and acted as a "bad father" to the 1999 Constitution. Another former ally to Chavez and participant in his failed 1992 coup attempt, Yoel Acosta Chirinos, also vowed to oppose the reforms and said he might meet with Luis Miquilena and others to form an alliance. Jose Toro Hardy, an opposition economist and former member of the PDVSA board of directors, told Econ Counselor, Petroleum Attache, and Poloff August 27 that he is, in fact, meeting with Miquilena and others in an attempt to devise a strategy to combat the revisions.

110. (SBU) To counter domestic criticism and demonstrate the "transparency" of the reform process, the BRV has embarked on a nationwide campaign to "consult" with the electorate and promote the new document. The National Assembly, for example, activated some 9,000 electoral groups throughout the country August 25 to disseminate the constitutional changes and maintain direct contact with its constituents. The Assembly also plans to consult directly with various state governments. This week, deputies will travel to Valencia to hear proposals from the central states. Chavez during his August 25 PSUV speech exhorted the party to fuse the promotion of the reforms with the party's organizational

activities.

¶11. (SBU) The BRV has reacted to condemnation from abroad with equal vitriol and a public relations campaign clearly intended to convince international audiences of its democratic credentials. Communications Minister Lara accused the "New York Times" as being Washington's "media arm" and the State Department's "macabre arm of disinformation" for publishing an editorial critical of Chavez' constitutional revision and erosion of Venezuelan democracy. During his August 26 "Alo, Presidente," Chavez himself lashed out at a British journalist who questioned the elimination of term limits and accused European nations of enslaving other peoples and questioned the United Kingdom's own democratic credentials. Reminiscent of the BRV's public relations campaign in response to international criticism the closure of RCTV, Foreign Minister Maduro announced August 24 that the BRV is launching a diplomatic offensive worldwide to disseminate, explain, and defend the constitutional revisions. Maduro also said a task force, headed by National Assembly deputy Alfredo Murga, will be charged with spreading information on the proposed changes abroad.

Comment

¶12. (C) Chavez' proposed constitutional reforms are drawing mounting criticism from the still-divided opposition, former friends, and even some political allies. Nevertheless, a heavy sense of resignation, apathy, and a lack of real urgency permeates the political atmosphere in Caracas. While most observers see the passage of the radical revisions as a fork in the road for the future of what is left of Venezuelan democracy, opponents see few avenues left for any real efforts to counter Chavez. Indeed, the BRV already appears increasingly heavy-handed in its efforts to ram through the reforms. While the debates over the changes will continue and student groups have yet to mount their efforts, Chavez still retains a formidable electoral machine, backed by enormous state resources. With roughly 100 days left until the likely December 9 referendum, there seems little effective action to stop Chavez from steamrolling passage. If only by the intensity of its responses to democratic criticism and rapid deployment of public relations measures, however, the BRV does seem to recognize the reforms as potential lightening rods for opposition and divisions even within Chavismo.

FRENCH